

**REMARKS**

Claims 1, 2, 4-10, 18-34, 36 and 38-51 are pending in this application with claims 18-30 and 47-51 having been withdrawn from consideration. By this Amendment, claims 1, 2, 4 and 10 have been amended, and claims 3, 11-17, 35 and 37 have been canceled. Claims 1, 2, 4, 10, 18, 24 and 28 are independent. Reconsideration of the application is respectfully requested.

**I. AMENDMENT**

The subject matter of claim 3 has been incorporated into independent claim 1. Support for the amendment to claim 4 can be found in the specification at, for example, paragraph [0051]. Support for the amendment to claims 2 and 10 can be found in the specification at, for example, paragraph [0103]. Thus, no new matter is added.

**II. THE CLAIMS DEFINE PATENTABLE SUBJECT MATTER**

The Office Action rejects claims 1-6, 8-12 and 31-41 under 35 U.S.C. §102(a) over Japanese Patent Publication No. 2004-002911 to Kako et al. (Kako); rejects claim 7 under 35 U.S.C. §102(a) or, in the alternative, under 35 U.S.C. §103(a) over Kako; rejects claims 13-17 and 42-46 under 35 U.S.C. §103(a) over Kako in view of Japanese Patent Publication No. 2000-034503 to Ishizake et al. (Ishizake); and rejects claims 14, 16, 43 and 45 under 35 U.S.C. §103(a) over Kako in view of Japanese Patent Publication No. 2003-178918 to Fujii et al. (Fujii). These rejections are respectfully traversed.

Independent claim 1 recites, *inter alia*, "a passivation layer passivated by a chemical conversion treatment of the amorphous layer on the amorphous layer." Independent claims 2 and 10 recite, *inter alia*, "at around a boundary between the magnet body and the amorphous layer, a crystal phase is mixed with an amorphous phase at the boundary between the magnet body and the amorphous layer." Independent claim 4 recites, *inter alia*, "the protecting layer

includes aluminum." The applied references fail to teach or render obvious the recited features of independent claims 1, 2, 4 and 10.

**A. Claim 1**

The subject matter of claim 3 is incorporated into claim 1. Thus, the rejection of claim 3 is addressed as applied to amended claim 1. The Office Action relies on Fig. 4 and paragraph [0002] of Kako corresponding with the recited passivation layer. However, as discussed below, this reliance is improper.

The passivation layer of the present application is formed by a chemical conversion treatment of the amorphous layer on the amorphous layer. This chemical conversion treatment is the treatment of subjecting the surface of the amorphous layer to a chemical reaction, which is different from the coating of another layer on the amorphous layer. See paragraph [0164] of the specification.

On the other hand, the Ni-plated layer of Kako is formed by strike nickel plating and electric nickel plating, which is another layer comprising Ni formed on the amorphous layer. See paragraph [0005] of Kako. Thus, Kako fails to teach or render obvious the passivation layer passivated by a chemical conversion treatment of the amorphous layer on the amorphous layer. Ishizake and Fujii fail to cure the deficiencies of Kako. The applied references fail to teach or render obvious the recited features of independent claim 1.

**B. Claims 2 and 10**

Claims 2 and 10 have been amended to recite "at around a boundary between the magnet body and the amorphous layer, a crystal phase is mixed with an amorphous phase at the boundary between the magnet body and the amorphous layer."

The amorphous layer of Kako is formed by fusing the surface of a permanent magnet material using a laser beam and quenching. In this method of Kako, it appears that the fused part and the non-fused part are clearly divided. Thus, the crystal phase is not mixed with the

amorphous phase at the boundary. Accordingly, Kako fails to teach or render obvious that at around a boundary between the magnet body and the amorphous layer, a crystal phase is mixed with an amorphous phase at the boundary between the magnet body and the amorphous layer. Ishizake and Fujii fail to cure the deficiencies of Kako. The applied references fail to teach or render obvious the recited features of independent claims 2 and 10.

**C. Claim 4**

Claim 4 is amended to recite "the protecting layer includes aluminum."

Kako discloses a nickel-plated layer formed on the surface of the amorphous layer. See paragraph [0005] of Kako. Thus, Kako fails to teach or render obvious that the protecting layer includes aluminum. Ishizake and Fujii fail to cure the deficiencies of Kako. The applied references fail to teach or render obvious the recited features of independent claim 4.

\* \* \*

The dependent claims are patentable at least due to their dependence on allowable independent claims 1, 2, 4 and 10 and for the additional features they recite.

Accordingly, withdrawal of the rejections of the claims is respectfully requested.

**III. CONCLUSION**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims. 1, 2, 4-10, 18-34, 36 and 38-51 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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